THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT APPEAL NO : 1981 of 2005

Date:18-10-2005

Between:

Smt. Rai Lakshmi Venkata Ramanamm,

..... APPELLANT

AND

The Commissioner, Endowments Department and others

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL NO.1981 OF 2005

J U D G M E N T (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

The writ appeal is filed against the order passed by learned Single Judge in Writ

Petition No.18806 of 2005. The writ petitioner/appellant was aggrieved of the notice issued in Form-I under Rule 5(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act") issued by the third respondent in the writ petition directing eviction of the writ petitioner from the lands in Sy.No.165 in Lankalapalem village, Parawada Mandal, Visakhapatnam District. The writ petitioner claims this property to be her own property, whereas the Department of Endowments considers it to be the property of the Endowments. Therefore, the learned Single Judge dismissed the writ petition giving liberty to the writ petitioner to approach the civil Court.

Learned counsel for the appellant submits that the civil Court remedy is already barred in terms of Section 151 of the Act.

In view of the finding of the learned Single Judge and submissions of the learned counsel for the appellant, we have seen that a remedy against the order passed by the respondents and impugned in the writ petition is available under the Act and the writ petitioner can move an application before the Deputy Commissioner under Section 87 of the Act. Therefore, while dismissing the writ appeal, we give liberty to the appellant to file an application in terms of Section 87 of the Act before the Deputy Commissioner, within a period of two weeks. For a period of two weeks from today, status quo obtaining as on today shall be maintained by the parties. Thereafter, the learned Deputy Commissioner may pass appropriate orders in accordance with law. No order as to costs.

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(Bilal Nazki, ACJ)

18th October, 2005

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(R.Subhash Reddy,J)

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Note:-Issue C.C in two days

(b/o)

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